



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 19, 2018

BY ECF

The Honorable Loretta A. Preska
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *United States v. Chi Ping Patrick Ho,*
17 Cr. 779 (LAP)**

Dear Judge Preska:

The Government respectfully submits this letter motion in the above-captioned matter requesting that the Court order the prompt production by the defendant of (1) reciprocal discovery pursuant to Federal Rule of Criminal Procedure 16(b), and (2) any materials received pursuant to a Federal Rule of Criminal Procedure 17(c) subpoena, except to the extent that the Court has authorized *ex parte* production of such materials.

Background

In a letter dated January 10, 2018, the Government requested reciprocal discovery from the defendant pursuant to Federal Rule of Criminal Procedure 16(b). The defendant did not respond.

During a phone call on September 24, 2018, defense counsel informed the Government that they may seek to offer certain unidentified foreign documents at trial. Because the Government had not received any such documents—or any other materials—through reciprocal discovery, the Government reiterated its request for such discovery. Defense counsel did not respond other than to confirm that they understood our request.

On October 3, 2018, the Government sent defense counsel the letter enclosed as Exhibit A, repeating its request for reciprocal discovery, and also requesting any materials received pursuant to a Federal Rule of Criminal Procedure 17(c) subpoena. Defense counsel has not responded.

Request

For the reasons set forth in the Government's letter of October 3 (*see* Ex. A), and in the interest of narrowing or mooting potential pretrial disputes and facilitating the efficient presentation of evidence at trial, the Court should order the prompt production by the defendant of

Honorable Loretta A. Preska
United States District Judge
October 19, 2018
Page 2

both (1) reciprocal discovery pursuant to Rule 16(b), and (2) any materials received pursuant to a Rule 17(c) subpoena, except to the extent that the Court has authorized *ex parte* production of such materials. In particular, the Court should order the defendant to produce any documents that the defendant may seek to offer affirmatively at trial—either through his own witnesses or during cross-examination of Government witnesses—even if the defendant has not yet determined whether to call any witnesses of his own or otherwise to put on a case.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: s/ Daniel C. Richenthal
Daniel C. Richenthal
Douglas S. Zolkind
Catherine E. Ghosh
Assistant United States Attorneys
(212) 637-2109/2418/1114

SANDRA MOSER
Acting Chief, Fraud Section
Criminal Division

By: s/ Paul A. Hayden
Paul A. Hayden
Trial Attorney
(202) 353-9370

Enclosure

cc: (by ECF)

Counsel of Record